

So Ordered.



Patricia C Williams)
Patricia C. Williams

**Patricia C. Williams
Bankruptcy Judge**

Dated: August 20th, 2013

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

DC No. 11-CV-357-RMP

LLS AMERICA, LLC,

Case No. 09-06194-PCW11

Debtor(s).

BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC,

Adversary No. 11-80299-PCW11

Plaintiff(s),

vs.

MARK BIGELOW, et al.,

Defendant(s).

REPORT AND RECOMMENDATION
RE: PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANTS DAVID
MARSHALL WOOD AND AMANDA
WOOD (ECF NO. 466)

The Honorable Patricia C. Williams, sitting in the United States Bankruptcy

Court for the Eastern District of Washington, hereby files this Report and Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against Defendants David Marshall Wood and Amanda Wood (ECF No. 466) filed with the bankruptcy court in this adversary proceeding.

1 This Report and Recommendation is made pursuant to the Honorable Rosanna
2 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy
3 Court for Further Proceedings entered on April 25, 2012 (ECF No. 28) in district court
4 case No. 11-CV-357-RMP.

5 The recommendation is that plaintiff's Motion for Entry of Default Judgment
6 Against Defendants David Marshall Wood and Amanda Wood (ECF No. 466) be
7 granted and the attached Default Judgment be entered in this adversary proceeding.
8 The basis for this recommendation is that an Order of Default was entered by the
9 bankruptcy court on July 17, 2013 (ECF No. 412).

10 ///END OF REPORT AND RECOMMENDATION///

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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF WASHINGTON**

11	In Re:	US District Case No. 11-CV-357-RMP
12	LLS AMERICA, LLC, 13	Bankruptcy No. 09-06194-PCW11
14	Debtor.	
15	BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America LLC, 16	Adversary No. 11-80299-PCW 11
17	Plaintiff, v.	DEFAULT JUDGMENT AGAINST DEFENDANTS DAVID MARSHALL WOOD AND AMANDA WOOD
18	MARK BIGELOW, et al., 19	
20	Defendants.	

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22 **JUDGMENT SUMMARY**

23 Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the
24 Liquidating Trustee under the Confirmed Plan of
25 the Debtor

26 Attorneys for Witherspoon Kelley
27 Judgment Creditor:

28 DEFAULT JUDGMENT- 1

{S0746519; 1 }

 **WITHERSPOON•KELLEY**
Attorneys & Counselors

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1 Judgment Debtor: David Marshall Wood and Amanda Wood
2
3 Principal Amount of \$93,834.68 CAD
4 Judgment: \$ 250.00 US
5
6 Interest on Judgment: Weekly Average of One-Year Constant Maturity
7 (nominal) treasury yield as published by the
8 Federal Reserve System (28 USC § 1961)

9 This Court having previously entered an Order of Default against
10 Defendants David Marshall Wood and Amanda Wood (Adv. Doc. No. 412), and
11 having reviewed the previously filed Memorandum of Authorities (Adv. Doc. No.
12 368) and Affidavit of Curtis Frye (Adv. Doc. No. 369), and the Affidavit of
13 Shelley N. Ripley in Support of Plaintiff's Motion for Default Judgment filed
14 herewith, and being fully advised in the premises,

15
16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the
17 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
18 Trustee for LLS America, LLC, shall have a judgment against the Defendants
19 David Marshall Wood and Amanda Wood, as follows:

20
21 1. Monetary Judgment in the amount of CAD \$93,834.86, pursuant to
22 11 U.S.C. § 550 and RCW 19.40.071;

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24 2. Transfers in the amount of CAD \$93834.86 made to the Defendants
25 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff

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28 DEFAULT JUDGMENT-2

{S0746519; 1 }

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1 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,
2 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3 3. All said transfers to Defendants David Marshall Wood and Amanda
4 Wood are hereby set aside and Plaintiff shall be entitled to recover the same, or
5 the value thereof, from Defendants David Marshall Wood and Amanda Wood for
6 the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and
7 551;

8 4. All proofs of claim of the Defendants which have been filed or
9 brought or which may hereafter be filed or brought by, on behalf of, or for the
10 benefit of Defendants David Marshall Wood and Amanda Wood or their affiliated
11 entities, against the Debtor's estate, in this bankruptcy or related bankruptcy
12 proceedings, are hereby disallowed and subordinated to the monetary judgment
13 granted herein and Defendants David Marshall Wood and Amanda Wood shall
14 not be entitled to collect on their proof of claim (Claim No. 654-1) until the
15 monetary judgment is satisfied by Defendants David Marshall Wood and Amanda
16 Wood in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);

17 5. A constructive trust is hereby established over the proceeds of all
18 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

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DEFAULT JUDGMENT- 3

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1 6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of
2 \$250.00 USD, for a total judgment of CAD \$93,834.86, plus \$250 USD, which
3 shall bear interest equal to the weekly average of one-year constant maturity
4 (nominal) treasury yield as published by the Federal Reserve System.

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6 Entered this ____ day of _____, 2013.
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11 HONORABLE ROSANNA PETERSON
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14 Presented by:
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16 WITHERSPOON · KELLEY
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14 s/ Shelley N. Ripley
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16 Daniel J. Gibbons, WSBA No. 33036
17 Attorneys for Bruce Kriegman, Chapter 11 Trustee
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DEFAULT JUDGMENT- 4

{S0746519; 1 }

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